

District II Advisory Board Minutes

October 7, 2002

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The District II Advisory Board meeting was held at 7:00 p.m. at the Rockwell Branch Library at 5939 E. 9th Street North.

Members Present

Council Member Joe Pisciotte
Martha Bruce Fair
Michele Chauncey
Marla Flentje
Charlotte Foster
John Fuller
Tim Goodpasture
Joe Johnson
Mike Jones
Joe Patrick*
Kathy Wegner

Members Absent

Larry Frutiger
Ray Hinderliter*
Shirley Jefferson
Max Weddle*
* Denotes an alternate DAB member

Staff Present

Officer Kenton Conner, WPD
Donna Goltry, MAPD
Donte Martin, CMO
Captain Gary Tabor, WPD
Chief Norman Williams, WPD
Rob Younkin, Public Works

Guests

Ed Harris
Terry Smythe

ORDER OF BUSINESS

Call to Order

The meeting was called to order at 7:00.

Approval of Minutes and Agenda

The minutes for September 16, 2002 were approved 8-0 as amended (Chauncey/Goodpasture).

The agenda for the October 7, 2002 DAB II meeting was approved as amended (Flentje/Goodpasture).
Item 6 on the Planning Agenda was moved to immediately follow the Public Agenda.
Items 4 & 5 were combined.

Public Agenda

1. Scheduled items

No items submitted

2. Off-agenda items

No items submitted

PLANNING AGENDA

3. ZON 2002-00026 & CUP 2002-00020 DP-261

Donna Goltry, MAPD, presented a request for a Zone Change to “LC” Limited Commercial and creation of the Oliver Retail Center C.U.P. generally located south of Kellogg east and west of Oliver.

Goltry explained that the applicant is requesting the creation of a Community Unit Plan for the two corners of Oliver on the south side of Kellogg Drive. The 5.14-acre C.U.P. would have two parcels. Parcel 1 would be located on the southwest corner of Kellogg Drive and Oliver would be 3.73 acres in size. It would include all the lots along Oliver between Kellogg and Orme except the southernmost residence, and extend westward from Oliver to Pershing. Parcel 2 would be located on the southeast corner and would be 1.39 acres in size. It would include the block bounded by Kellogg, Oliver, Eilerts Street and Glendale.

The C.U.P. excludes the tract closest to each corner of the intersection of Kellogg and Oliver. These excluded tracts are owned by the City of Wichita and are to be used as landscaping at the border of the off-ramps from the Kellogg/Oliver underpass, and will be subject to Design Council review prior to approval of the landscaping plan. The tract on the southeast also contains the irrigation equipment for landscaping in the right-of-way along the south side of Kellogg from Hillside to Oliver.

Currently Parcel 1 consists of commercial uses zoned “LC” Limited Commercial, some vacant lots, and small residences on property zoned “TF-3” Two-family Residential. More specifically, the property east of Dellrose is developed with the existing Midas Muffler Center, with Midas as the main tenant and six small businesses in the center. Another strip center was located between Dellrose and Oliver, but it was destroyed by a tornado in 1999 and the site has been cleared. The land swapped with the City of Wichita for landscaping includes part of this former strip center. Highland Lane, a small public way about 120 feet south of Kellogg, is proposed to be vacated. Three vacant residential lots are located south of Highland, and the remainder of Parcel 1 is occupied with single-family houses proposed for demolition for redevelopment.

Six four-plexes are located on Parcel 2. The parcel is zoned “MF-29” Multi-family.

Proposed uses for the Oliver Retail Center are all uses allowed in the “LC” Limited Commercial zoning district except adult entertainment establishments, group homes, group residential, halfway house, correctional placement residences, private clubs, taverns, and drinking establishments. Restaurants that serve liquor would be allowed as long as food was the primary service of the establishment. The C.U.P. does not request exclusion of vehicle sales and gambling facilities. However these uses were excluded by the Real Estate Purchase Contract between the City of Wichita and Donald Walenta and should be excluded by the C.U.P.

Some of the potential commercial uses, as proposed, include convenience stores, service stations, general retail and office, secondhand stores, pawnshops, restaurants (including drive-in and drive-through), animal care (limited), banks, funeral home, hotel, personal care service, personal improvement service, indoor recreation and entertainment (see Article III, Section III-B.14.b of the Unified Zoning Code for complete listing of permitted by-right uses).

Building setbacks for Parcel 1 along the common property lines with residential zoning (TF-3) and existing residences are shown as ten feet in width. This is significantly less than the 35-foot standard C.U.P. requirement, as well as the 25-foot compatibility setback that is required by the Unified Zoning Code when commercial use borders residential use. A six-foot masonry wall is proposed along these common property lines. Otherwise, the C.U.P. does not include any additional measures to reduce the impact of commercial use on the adjacent residences. Examples of measures employed in other C.U.P.s include restrictions on drive-in and drive-through restaurants, overhead doors, and gas islands within 200 feet of residential zoning, limiting lighting standards in height, or additional landscape buffering requirements.

Parcel 2 proposes a 15-foot setback on Glendale and Eilerts. Again, this is below the 35-foot standard C.U.P. setback and the 25-foot street side setback of the UZC. The properties across Eilerts and Glendale are zoned “LC” and “GO”, although a “LC/GO” property consist of two four-plexes in exceptionally good condition that would be impacted by the 15-foot setback, particularly if no landscaped street yard and parking lot screening or screening of mechanical, work and storage areas is provided (these measures would not be required by the UZC because of the commercial zoning across both streets).

Height for both parcels is requested as 45 feet. This is ten feet higher than for “LC” in the Unified Zoning Code.

Circulation is a major concern for the parcels.

The character of the surrounding area to the south and west of Parcel 1 is modest but well maintained single-family residences. Jefferson Elementary is located on the southwest corner of Oliver and Orme. The area south of Parcel 2 is a small retail strip center, Cedar Village. The land east of Glendale transitions from a vehicle sales operation along Kellogg, to two four-plexes, to single-family residences in good condition.

Three recent public projects are enhancing the image of the neighborhood. The Kellogg underpass/bridge represented a major improvement and incorporated public art features, including decorative period lighting on the bridge over the underpass. The City of Wichita owns both corner parcels with the intended purpose to landscape them to serve as an attractive gateway to the Oliver corridor. The major expansion of Jefferson Elementary should increase desirability of the neighborhood.

The amount of land available at this site is limited. Requested gross floor area is 48,788 square feet on the west parcel and 18,191 on the east parcel. This would classify both corners as convenience centers at arterial intersections, which generally range in size of 2-4 acres (page 32, 1999 Comprehensive Plan).

Traffic is already very heavy along Oliver. During peak travel times, northbound vehicles exceed the stacking lane available and occupy part of the painted median and the adjoining lane signed for joint left-turn/through traffic. Recommended traffic improvements include adding a southbound decel lane from Kellogg to a driveway across from Eilerts, and a northbound decel lane from Eilerts to the right-in/right-out drive across from Highland Lane.

Recommended access points are right-in/right-out only at the existing location of Highland Lane, and a full movement on the west side opposite Eilerts Street. The full movement is only 270 feet south of the right-in/right-out, but the deviation from the standard 400-foot spacing would be to accommodate the existing street location and keep the full movements aligned rather than staggered. Also, moving it to a 400-foot separation puts it too close to Orme (less than 100 feet away).

The proposed opening on the Kellogg off-ramp west of Oliver is not permitted by the KDOT. The Kellogg Drive frontage road east of Oliver allows direct access to adjacent parcels, but its proximity to Oliver and the distance separations between Oliver and Glendale are below the lengths to meet the Access Management Policy, therefore this opening would not be consistent with the policy.

The presence of a drive opening on the west end of Midas Center onto Pershing is opposed by residents in the area because it channels commercial traffic through a local residential street and because it leads traffic to the place where school children are arriving and departing from Jefferson Elementary by cars and by walking. The circulation pattern for Parcel 1 should encourage traffic to enter and exit from Oliver rather than taking the back-door exit through the residential street.

As previously discussed, impacts from the commercial uses should be mitigated by stronger buffering, setback, design and use provisions.

Finally, it is recommended that the property be replatted in order to eliminate the multiplicity of plats encompassed by the development. It also provides a simpler way to eliminate various platted utility easements and setbacks in conflict with the development.

Based on this, plus the information available prior to the public hearing, staff recommends the request be APPROVED subject to replatting within one year and subject to the following conditions:

- A. APPROVE the zone change (ZON2002-00020) to "LC" Limited Commercial for subject to replatting of the entire property within one year.
- B. APPROVE the Community Unit Plan (DP-261), subject to the following conditions:
 1. The C.U.P. shall be revised to eliminate the access opening on the Kellogg off-ramp and the access opening on Kellogg Drive.
 2. The C.U.P. shall be revised to specify the northernmost openings on Parcels 1 and 2 (located at the current location of Highland Lane) as right-in/right-out only.

3. An additional ten feet of right-of-way should be shown along the northeast segment of Parcel 1.
4. General Provision #5 shall be revised to include: “A guarantee at time of platting shall be provided for a continuous decel lane on the west side of Oliver from Kellogg off-ramp south to the full movement entrance and a decel lane on east side of Oliver from Eilerts street to the right-in/right-out access point.”
5. Add a general provision to require a circulation plan designed to channel traffic on Parcel 1 to Oliver and away from Pershing and requiring that the primary internal circulation drive not have parking spaces taking direct access from the drive.
6. The C.U.P. shall be revised for Parcel 1 to provide 15-foot setbacks along adjoining residential property for primary structures with no loading docks, trash receptacles or outdoor work and storage areas being allowed within this 15-setback. If a drive aisle is placed within the setback, a planting strip with a minimum width of 8 feet shall be provided between the masonry wall and the drive aisle for planting of buffer trees. This setback would replace the compatibility setback of 25-feet of UZC Sec. IV-C.4.
7. The C.U.P. shall be revised for Parcel 2 to provide a 20-foot building setback along Eilerts Street and Glendale.
8. Parcel Description 1(F) and 2(F) shall be revised to add: “however, heights of structures shall be subject to UZC Sec. IV-C.5.b.
9. General Provision #14 shall be revised to state that trash dumpsters may not be placed any closer than 20 feet from the property line as required per UZC Sec. IV-C.7.b.
10. General Provision #17 shall be revised to add the following: (add and be permitted those uses allowed by-right in the “LC” Limited Commercial zone. No uses with overhead doors, drive-in or drive-through facilities or gas islands shall be located within 200 feet of residential zoning on Parcel 1. No vehicle sales or gambling facilities shall be permitted.
11. General Provision #6 shall be revised: Signs located within 200 feet of residentially zoned property shall not exceed 20 feet in height.
12. General Provision #9A shall be revised to add that light poles shall be limited in height to 24 four feet, except within 200 feet of residentially zoned property where light poles shall not exceed 14 feet in height.
13. General Provision #11 shall be modified to indicate that landscaping on the adjoining property owned by the City of Wichita shall be installed and maintained in accordance to the agreement with the City of Wichita (and as reviewed by the Design Council), and may be credited toward meeting landscaped street yard requirements. This credit shall not be used to reduce any screening or parking lot landscaping requirements of the Landscape Ordinance. Street frontage along Glendale and Eilerts Street shall provide a landscaped street yard and parking lot screening if parking lots are located between the buildings and street.

14. General Provision #15 shall add that metal shall not be allowed as the predominate material of any façade.
15. Any major changes in this development plan shall be submitted to the Planning Commission and to the Governing Body for their consideration.
16. The transfer of title of all or any portion of the land included within the Community Unit Plan does not constitute a termination of the plan or any portion thereof, but said plan shall run with the land for commercial development and be binding upon the present owners, their successors and assigns, unless amended.
17. All property included within this C.U.P. and zone case shall be platted within one year after approval of this C.U.P. by the Governing Body, or the cases shall be considered denied and closed. The resolution establishing the zone change shall not be published until the plat has been recorded with the Register of Deeds.
18. Prior to publishing the resolution establishing the zone change, the applicant(s) shall record a document with the Register of Deeds indicating that this tract (referenced as DP-257) includes special conditions for development on this property.
19. The applicant shall submit 4 revised copies of the C.U.P. to the Metropolitan Area Planning Department within 60 days after approval of this case by the Governing Body, or the request shall be considered denied and closed.

Terry Smythe, agent for the applicant addressed the DAB and presented the CUP for the Oliver Retail Center. Smythe stated that although he agrees with the majority of the staff recommendations he has three main concerns: 1) Pershing Street should remain open to allow citizens access to the retail center; 2) there is a need for access to the retail center from the eastbound Kellogg exit ramp at Oliver; and 3) there is a need for access to the retail center from the frontage road east of Oliver.

Citizens in attendance were given the opportunity to comment. With no one requesting to speak CM Pisciotte closed public comment and the remaining discussion was limited to DAB II members.

Marla Flentje asked who would pay for the deceleration lanes recommended for Oliver Street.

Goltry responded that the developer would be responsible for these costs.

Flentje expressed concern with Pershing Street remaining open and that regardless of the measures taken within the retail center parking lot traffickers will use the access to Pershing to exit the retail center.

Michele Chauncey stated that allowing access from the Kellogg exit ramp could be very dangerous. The lack of interchanges further east on Kellogg will cause a good portion of traffic to exit at Oliver. These traffickers will be exiting from Kellogg and high rates of speed. The potential for accidents will be great.

Mike Jones asked if the requested access from the frontage road east of Oliver complies with the access management plan.

Goltry responded that MAPD recommends it not be allowed and that she didn't believe it would comply but the traffic engineer would make the final determination.

Martha Bruce Fair expressed concern with the safety of students attending Jefferson Elementary School. The proposed plans for traffic may create a dangerous situation.

Chauncey asked if the curb cuts are allowed and a high number of accidents result when would the curb cuts be closed.

Chief Norman Williams replied that if the number of accidents indicates that the opening is unnecessarily dangerous staff could request the curb cut be closed.

Jones stated that once curb cuts are given it is difficult to make changes.

Mike Jones moved the **Zone Change** be approved subject to MAPD staff recommendations. The motion passed 8-0 (Jones/Bruce Fair).

Tim Goodpasture moved the **CUP** be approved subject to MAPD staff recommendations and with **DAB II** reviewing the plat before it's made final. The motion passed 8-0 (Goodpasture/Jones).

Action Taken: Approved the staff recommendation with conditions.

STAFF PRESENTATION

4. Patrol East Bureau Report

Captain Gary Tabor, Patrol East Bureau Commander, presented the proposed changes to the Patrol East Bureau enforcement boundaries. Due to a disparity in call volume, population, and coverage areas the boundaries are being changed to create more of a balance between bureaus. Currently each bureau contains nine beats and varying number of officers. Due to growth in the eastern and western areas of the city an additional police beat is being added to Patrol East and Patrol West. Seven newly assigned officers will patrol each of these beats. Currently Patrol East handles 30% of all incoming calls. With the new boundaries Patrol East would handle 26% of those incoming calls.

Mike Jones asked if the problem is being shifted. **Tabor** replied the due to these changes the call volumes of some bureaus may increase but the total number of calls received we be handled more equitably between the four bureaus.

CM Pisciotte stated that City Council funded an additional beat and team for Patrol East. He asked if the proposed changes would cause Patrol East to lose any resources. **Chief Williams** responded that Patrol East would not lose any resources and that the bureau would gain seven officers. **Pisciotte** stated that the City Council supported additional resources for Patrol East and that he would not support a shift in resources from Patrol East to another bureau.

CM Pisciotte asked what the average response time is for calls. **Tabor** replied the average response time for priority 1 & priority E calls is 2.5 minutes. The response varies on the type of call, time of day, and the 911-dispatch categorization of the incoming call.

Action Taken: Received and filed.

5. Creation of an Improvement District for Paving and the Installation of a Waterline within the Springdale East Addition

Robert Younkin, Public Works, presented this petition for the creation of an improvement district for paving and the installation of a waterline within the Springdale East Addition. A petition representing 80.29% of the improvement district area has been submitted in support of the paving project. A petition representing 88.26% of the improvement district area has been submitted in support of the waterline installation.

The estimated project cost for the paving project is \$250,000. \$8,928.57 would be assessed to each lot within the improvement district. The proposed method of assessment is the fractional basis.

The estimated project cost for the waterline project is \$66,000. \$2,445 would be assessed to each lot within the improvement district. These costs do not include financing costs and connection fees. The connection fees cannot be spread over 15 years as special assessments.

Mike Jones asked if residents were notified of these costs and the public hearing. **Younkin** replied everyone included in the proposed improvement district was notified of the hearing and the project costs.

Marla Flentje moved the projects be approved as submitted. The motion passed 8-0 (Flentje/Bruce Fair).

Action taken: received and filed.

6. DAB Matching Grants

Michele Chauncey presented two applications for DAB II Matching Grants. The two applications presented were reviewed by the Neighborhood Assistant for Council District II, a DAB II subcommittee comprised of **Kathy Wegner, Shirley Jefferson, and Michele Chauncey** and were submitted to the full District II Advisory Board prior to the meeting. Board members were asked to review each application and recommend whether the each respective project should be funded.

Park East HOA submitted an application to repair their entry monument and to replace Scotch Pine Trees lost due to Pine Wilt. The total project cost is \$1,920 and the HOA is requesting a grant for \$960 from DAB II. The HOA will be responsible for the remaining \$960 through in-kind contributions, donated material, and a cash match of \$400.

Greenleaf HOA submitted an application to plant trees within their development. The application requests a grant for \$998. The total project cost is \$2,066 with HOA being responsible for the remaining \$1,070 through in-kind contributions, donated materials, and a cash match for \$230.

DAB II voted unanimously 8-0 Jones (Goodpasture) to approve matching grants for the Park East and Greenleaf projects.

Action Taken: **Approved as submitted.**

BOARD AGENDA

7. Updates, Issues, and Reports

CM Pisciotte reported that the applicant has withdrawn the application for CON 2002-00038.

8. Next Meeting

The next regularly scheduled DAB II meeting will be October 21, 2002 at the Rockwell Branch Library.

With no further business the meeting adjourned at 9:30 p.m.

Respectfully submitted,

Donte Martin
Neighborhood Assistant
District II